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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,296	12/21/2001	Jong-Hyun Jin	P-0302	3224

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EXAMINER

JAMAL, ALEXANDER

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,296

Applicant(s)

JIN ET AL.

Examiner

Alexander Jamal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5-8 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment (8-9-2006), the examiner notes that claim 7 has been amended.
2. Examiner withdraws all rejections to claims 1-20.
3. Examiner notes two additional pieces of recently discovered prior art: Saburi (EP1096771A1) and Eddington (5966165).
4. Examiner submits a new set of non-final rejections for claims 21-24 based on a new reading of the previously disclosed prior art.
5. Examiner notes that the 'origination continuation message' is a message sent separately from an origination message that comprises a subaddress as defined by the standards noted in applicant's specification page 11 paragraphs 42,43.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claims 22-24** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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3. **Claims 22-24** recites the limitation “method” of claim 21. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes claims 22-24 all read “the communications terminal of claim 21”.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 21-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Irube et al. (6377818).

As per **claim 21**, Irube discloses a mobile telephone system that sends/receives connection requests (wirelessly transmitting an originating message with a sub-address). The call request data structure further comprises a subaddress that notifies the destination terminal as to which communication medium should be used to connect the call (voice mode or video mode) (ABSTRACT, Col 16 lines 43-58, Col 18 lines 15-27). The request is received by a destination terminal (Col 18 lines 35-50) (the call must determine whether there is an origination continuation message in order to send the

acknowledgement (Col 18 line 40)). The calling and receiving devices comprise on/off switches that control power to the functional components the powered up or powered down state determines whether the distinguishing function is set active (Col 6 lines 30-45). When active the destination terminal will distinguish between a video or voice call based upon messaging that may be contained in the subaddress (these are the steps of distinguishing a voice/video call, and determining if the distinguishing function is set (via the on/off switch)) (Col 18 lines 15-30, Col 13 lines 35-45). The calling device calls the called device and confirms if the called device can perform in video mode (video/voice multiplexed mode) and if the called device grants execution of the mode. If the called device is able grant execution of the mode, it must be able to distinguish between a voice only call or video/voice multiplex call. Once the type of call has been negotiated between the terminals, the call is connected accordingly (connecting the call as a voice or video call). Irube discloses the means to perform the method of the claim 1 rejection. Both the calling and called devices comprise displays. After receiving a call request, the user selects to receive the call by answering or granting execution the phone/video call (Col 9 lines 25-60) (Col 13 lines 30-52).

As per **claim 22**, the claim is rejected for the same reasons as the claim 21 rejection.

As per **claim 23**, The called device user may select to receive the video call request, or voice call request when a video call is received. The called device user may refuse any call type request at any time by using the on/off power down button on the

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device. Once this occurs a refusal message will be transmitted to the calling device.

Examiner reads 'refusal message' as any signaling that is applied by the communications network to the calling device to notify calling device that there is no longer a connection between the two devices.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 24** rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (6377818) as applied to claim 21 above, and further in view of applicant's admitted prior art (specification page 11 paragraphs 42,43).

As per **claim 24**, Irube discloses using a subaddress to identify the type of call received. However, Irube does not specify means to detect origination continuation message information within the origination continuation message.

Applicant's admitted prior art (the standards specified in page 11 paragraphs 42 and 43) discloses that known standards specify the use of an SA information record (origination continuation message) when using a subaddress in a communications system. As such the communications terminal inherently comprises means to detect the

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origination continuation message information for the purpose of being able to receive and identify an origination continuation message. It would have been obvious to one of ordinary skill in the art at the time of this application to implement origination continuation messages when using subaddress information in a communication system for the purpose of complying to known standards.

Allowable Subject Matter

1. **Claims 3,5-8,15-20** are allowed over the prior art of record

Response to Arguments

3. Applicant's arguments with respect to claims 21-24 have been considered but are moot in view of the new ground(s) of rejection.

4. Since the new set of rejections maintains the same prior art and same rejection to the 'means for determining whether a distinguishing function is active' element of claim 21, examiner offers this response to applicant's argument that Irube does not disclose said means.

The state of on/off switch of a terminal is a means to determine whether the distinguishing function (or any other function) of the terminal is active.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ

September 14, 2006


MELUR RAMAKRISHNAIAH
PRIMARY EXAMINER